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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 GARY CASTERLOW-BEY,

9 Plaintiff,

v.

10 GOOGLE SEARCH ENGINE CO., et  
11 al.,

12 Defendants.

CASE NO. C18-5160 BHS

ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS AND REQUESTING  
RESPONSE FROM PLAINTIFF

13 This matter comes before the Court on Defendant Google Search Engine Co.'s  
14 ("Google") motion to dismiss (Dkt. 12).

15 On November 15, 2017, Plaintiff Gary Casterlow-Bey ("Casterlow-Bey") filed a  
16 complaint in Pierce County Superior Court for the State of Washington against Google  
17 and the Tacoma News Tribune ("Defendants"). Dkt. 1-1. Casterlow-Bey alleges that  
18 Defendants have violated his constitutional rights by publishing and linking to a news  
19 article that slanders him. *Id.*


20 On February 28, 2018, Google removed the case to this Court. Dkt. 1.  
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1 On March 7, 2018, Google filed a motion to dismiss. Dkt. 12. Casterlow-Bey  
2 failed to respond, which the Court considers an admission that the motion has merit.  
3 LCR 7(b)(2). Regarding the merits, Google argues that Casterlow-Bey fails to state a  
4 valid claim for relief because Google is not a state actor subject to liability under 42  
5 U.S.C. § 1983. Dkt. 12. The Court agrees. Even if Casterlow-Bey somehow established  
6 that Google is subject to liability, Google is also immune from claims based on a third  
7 party's allegedly defamatory content. *See* 47 U.S.C. § 230. Therefore, the Court  
8 **GRANTS** Google's motion and dismisses Casterlow-Bey's claim with prejudice.

9 Regarding the remaining Defendant the Tacoma News Tribune, the Court requests  
10 a response from Casterlow-Bey regarding his intent to proceed with this matter. Based  
11 on his failure to respond to Google's motion, the Court is concerned that he may have no  
12 desire to further prosecute this matter. Therefore, Casterlow-Bey shall respond no later  
13 than April 30, 2018. Failure to respond will result in dismissal of his remaining claim  
14 without prejudice and without further order of the Court.

15 **IT IS SO ORDERED.**

16 Dated this 16th day of April, 2018.

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19 BENJAMIN H. SETTLE  
United States District Judge